

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **SACV 22-1491-KK-ADSx**

Date: March 11, 2024

Title: ***Federal Deposit Insurance Corporation v. ARK-LA-TEX Financial Services, LLC***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and Comply with Court Orders

On August 10, 2022, plaintiff Federal Deposit Insurance Company (“Plaintiff”) filed a Complaint against defendant ARK-LA-TEX Financial Services, LLC (“Defendant”). ECF Docket No. (“Dkt.”) 1. On September 14, 2022, Defendant filed an Answer. Dkt. 12.

On May 24, 2023, the Court issued an Order regarding the parties’ Stipulation to Continue Case Deadlines, requiring the parties to participate in a private mediation under the mandatory Court-Directed Alternative Dispute Resolution (“ADR”) Program no later than March 1, 2024. Dkt. 34. In addition, on December 20, 2022, Plaintiff was ordered to file a Joint Report “regarding the progress of the settlement discussions” no later than seven (7) days after the ADR proceeding. Dkt. 32.

On December 7, 2023, Plaintiff filed a Case Management Statement acknowledging the Court’s March 1, 2024 ADR deadline and stating “[t]he parties have scheduled a private, in-person mediation for January 4, 2024.” Dkt. 39 at 6-7. Plaintiff was, therefore, required to file the Joint Report no later than January 11, 2024. However, to date, the Court has not received a Joint Report. Plaintiff is therefore in violation of the Court’s December 20, 2022 and May 24, 2023 Orders.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiff an opportunity to explain its failure to file the Joint Report as directed by the Court’s December 20, 2022 and May 24, 2023 Orders.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed and/or sanctions imposed for failure to prosecute and/or comply with court orders. Plaintiff shall have **up to and including March 18, 2024** to respond to this Order.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice and/or other sanctions, including monetary sanctions, for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.